

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	No. 25-mj-4021
)	
)	JUDGE FRENSLEY
ELMER HUMBERTO APARICIO CASTILLO)	

UNITED STATES' MOTION FOR DETENTION HEARING
AND FOR DETENTION OF THE DEFENDANT

COMES NOW the United States of America by Robert E. McGuire, Acting United States Attorney, and Rachel M. Stephens, Assistant United States Attorney, and moves this Court for a detention hearing and for detention of the Defendant in this matter. Federal law holds that “the judicial officer shall hold a hearing to determine whether any conditions or combination of conditions...will reasonably assure...the safety of any other person and the community – upon motion of the attorney for the Government or upon the judicial officer’s own motion in a case, that involves...any felony...that involves the possession of or use of a firearm.” 18 U.S.C. § 3142(f)(1)(E). The statement in support of the Criminal Complaint in this case describes that the Defendant possessed a firearm in violation of 18 U.S.C. § 922(g)(5), which is a felony. Therefore, the Court should set a detention hearing based on the fact that, statutorily, the Government is entitled to one on their own motion in a case involving this offense.

Further, the United States would submit that the alleged offense, as described in the Criminal Complaint, the defendant fled from law enforcement during the execution of a search warrant and discarded the firearm in an effort to evade prosecution. The defendant is not legally present within the United States, therefore, the Court can have no confidence that the Defendant would abide by whatever condition or set of conditions this Court would order.

The United States respectfully requests a continuance of three business days in order to adequately prepare for the hearing in this matter.

Respectfully submitted,

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By:

/s/ Rachel M. Stephens

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